

REMARKS

Claims 1-27 are outstanding. No claims have been canceled or added. Claims 1-22 have been withdrawn. Claim 23 has been amended. Reconsideration and allowance of all the claims are respectfully requested.

Applicants thank Examiner Chan for the courtesy of the interview conducted on July 19, 2006. Applicants believe the substance of the interview was accurately recorded in form PTOL-413 prepared by Examiner Chan and already made a part of the file history. Claim 23 has been amended such that the claims are directed towards a film used to make a package. Favorable reconsideration and allowance of this application are respectfully requested. No new matter has been added by any of the amendments to the specification. Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections in view of the foregoing amendments and following remarks.

CLAIM REJECTIONS – 35 U.S.C. §103(a)**Claims 23, 25 and 27**

The Examiner rejected claims 23, 25 and 27 under 35 U.S.C. §103(a), as being unpatentable over Avery (U.S. Patent No. 2,391,539) in view of Kon et al (Japanese Patent No. 62-62736) and Nash (U.S. Patent No. 5,536,546). The Examiner has stated that:

Regarding claim 23, Avery discloses a method of forming labels. The method includes providing a roll of paper stocks, drawing the paper stocks and laminating the paper stocks to adhesive coated backing. (Page 1, Col 2, lines 31-48). The paper stock is also divided by cutting blades into separates strips that remain in contiguous edge-to-edge relationship as the strips are pressed with the laminating rolls into firm engagement with the adhesive on the backing (Page 2, Col 1, lines 36-50) and the strips can be removed from the backing and applied to any desired article (Page 2, Col 1, lines 62-65) and the laminated is capable of being use as a packaging material, which satisfying the requirement of intended use as a packaging film. Furthermore, Avery recites the other backing material can be used such as Cellophane or Pliofilm (Page 2, Col 1, lines 4-9), which would function as a barrier layer. Avery does not disclose the distance from slitting step

to form a strip occurs within 1-24 inches from the pressing step and the paper stock includes a graphics layer. However, Kon et al discloses a method of forming laminated film, which provide a slitting step or slit wheel just before lamination, (See English Abstract of JP 62-62736) and furthermore, determination of the specific distance between the slitting and pressing steps would have been well within the realm of routine experimentation to one of ordinary skill in the art at the time of the invention in view of the teaching of Kon et al that recognizes that the location, i.e. just before lamination, of the slitting step is ripe for optimization. . . . It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize this parameter in order to maintain the edge-to-edge orientation the strips in the method of Avery. Avery as modified by Kon et al is silent as the paper stock includes a graphics layer. However, providing a graphic layer for the paper stock of a label is well known and conventional as shown for example by Nash. Nash discloses a method of forming labels. The method includes providing a web of paper, feeding the paper optionally to a printing stage for printing of indicia (Col 3, lines 30-40), feeding the web to perforating stage and perforating the web, applying release coat to one side, applying adhesive coat to the other side (Col 3, lines 41-45), and slitting the web to form individually webs and taken up collectively (Col 4, lines 18-22), which shows the labels are either printed or not printed with a graphic or indicia layer prior to slitting to individual webs.

Response:

Claim 23 was amended to such that the claims are directed towards a film used to make a package. Support of the amendment can be found in paragraph 7 of the published patent application (2005/0079322) and Figures 6a, 6b, 9a, 9b, and 9c. Consequently, applicant respectfully requests that the Examiner withdraw the rejection as to claim 23.

Claim 25

The Examiner rejected claim 25. The Examiner has stated that:

...Avery discloses pressing the paper stocks to the adhesive coated backing (Page 2, Col 1, lines 18-35), which would apply the adhesive to the paper stocks.

Response:

Claim 23 is non-obvious, thus claim 25, which depends upon claim 23 is non-obvious. Consequently, applicants respectfully request that the Examiner withdraw the rejection as to claim 25.

Claim 27

The Examiner rejected claim 27. The Examiner has stated that:

...Avery discloses the backing is glassine, which includes a release coating. (Page 2, Col 1, lines 4-9).

Response:

Claim 23 is non-obvious, thus claim 27, which depends upon claim 23 is non-obvious.

Consequently, applicants respectfully request the Examiner withdraw the rejection as to claim 27.

Claim 24

The Examiner rejected claim 24 under 35 U.S.C. §103(a), as being unpatentable over Avery (U.S. Patent No. 2,391,539) in view of Kon et al (Japanese Patent No. 62-62736) and Nash (U.S. Patent No. 5,536,546) as applied to claim 23 above, and further in view of Holmstrom et al (U.S. Patent No. 4,256,791). The Examiner has stated that:

Avery as modified above is silent as to extruding a molten plastic layer between the layers. However, extruding a molten plastic layer between layers as adhesive is well known and conventional as shown for example by Holmstrom et al. Holmstrom et al discloses a method of laminating a material. The method includes extruding a plastic layer, i.e. adhesive layer, between the webs or layers prior to laminating with pressure rollers. (Col 4, lines 15-32).

Response:

Claim 23 is non-obvious, thus claim 24, which depends upon claim 23 is non-obvious.

Consequently, applicants respectfully request that the Examiner withdraw the rejection as to claim 24.

Claim 26

The Examiner rejected claim 26 under 35 U.S.C. §103(a), as being unpatentable over Avery (U.S. Patent No. 2,391,539) in view of Kon et al (Japanese Patent No. 62-62736) and

Nash (U.S. 5,536,546) as applied to claim 23 above, and further in view of Wallace (GB 1,399,922). The Examiner has stated that:

Avery as modified above is silent as to a release coating is applied to the label or paper stocks. However, applying a release coating to the label [is] well known and conventional as shown for example by Wallace. Wallace discloses a method of forming labels. The method includes applying a release coating to the strip of fabric labels prior to laminating with adhesive coated backing. (Page 1, line 84 to Page 2, line 14).

Response:

Claim 23 is non-obvious, thus claim 26, which depends upon claim 23 is non-obvious. Consequently, applicants respectfully request that the Examiner withdraw the rejection as to claim 26.

CONCLUSION

Applicant has adopted the Examiner's suggestions and believes the claims are in condition for allowance. It is respectfully urged that the subject application is patentable over references cited by Examiner and is now in condition for allowance. Applicant requests consideration of the application and allowance of the claims. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Chad E. Walter at 972.367.2001.

The Commissioner is hereby authorized to charge any additional payments that may be due for additional claims to Deposit Account 50-0392.

Respectfully submitted,

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